



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS

ATTORNEY GENERAL

Honorable F. C. Bolton
Acting President
Agricultural and Mechanical College
of Texas
College Station, Texas

Dear Sir:

Opinion No. O-5981
Re: Payment of travelling expenses
incurred for attendance of the
mid-winter conference of School
Administrators and Teachers
Trainers

Your opinion request of April 22, 1944, reads as follows:

"We recently submitted to the State Comptroller, for payment, expense accounts of several members of the staff of the A. & M. College covering expenses incurred for attendance on the mid-winter conference of School Administrators and Teacher Trainers, called by the State Superintendent of Public Instruction. The accounts bear the approval of the President of the College and the President of the Board of Directors. The State Comptroller has withheld his approval of these accounts and suggests that they be presented to you for your opinion.

"We feel that the expense was incurred in the transaction of 'State business', and that it was definitely the responsibility and duty of the A. & M. College to send certain members of its staff to the conference. The Agricultural and Mechanical College of Texas is part of the educational system of the State of Texas and as such

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has responsibility for proper participation in any program for the improvement of education in Texas, particularly when such program is made official by being presented as the official program of our State Department of Education in Texas. This responsibility of the College would make it necessary for those members of this staff most closely associated with the general educational program of the State, and responsible for the formulation and conduct of curricula for training teachers, to be fully informed concerning such programs; and to that end, to attend such conferences as this.

"This was a conference not only of school administrators, but of 'Teacher Trainers.' The training of teachers is part of the essential responsibility of the College. The work of this particular conference related especially to the inclusion of materials in our public school curricula relating to such problems as conservation, race relations, war service, etc. Increased emphasis on these would necessitate modification of practices on the part of teacher-training institutions, and need to have the consideration of both administrators and teachers in actual charge of instruction.

"We feel that this case is clearly covered by your Opinion No. O-4167, and that the travel having been performed in accordance with the rules of the Board of Directors of the College, the expense thereof is properly chargeable against state funds.

"The individuals whose expense accounts are involved are:

"The Dean of the School of Arts and Science, under whose supervision courses in Education are given.

"The Head of the Department of Agricultural Education.

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"The Head of the Department of Agronomy, under whose supervision the College offers courses in soil conservation.

"I would appreciate your opinion of the matter."

As you know, the current appropriation bill permits the payment of travelling expenses of State officials and employees only when such expenses are incurred while travelling on "State business." As we said in our Opinion No. O-4167:

"'State business' signifies the accomplishment of a governmental function; it requires that the means and method adopted should be reasonably necessary; it implies that the particular governmental function involved be one directly entrusted to the institution or department assuming its accomplishment."

In our Opinion No. O-4267, addressed to your College, we pointed out that the governing boards of the various educational institutions possess considerable discretion with respect to the selection of the means and methods by which the functions of their institutions are to be accomplished, and that their choice of a particular means or method will not be questioned by the courts or by this department unless it is clearly shown that this discretion has been abused.

Tested by these standards, we feel that the facts stated in your letter reveal that the faculty members mentioned therein were on State business while attending the mid-winter conference of School Administrators and Teachers Trainers. It is our opinion that the expense accounts under consideration should be approved.

Trusting that the foregoing satisfactorily answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *R. Dean Moorhead*
R. Dean Moorhead
Assistant

APPROVED
OPINION
COMMITTEE

BY *Blut*
CHAIRMAN

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